

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**

**ORDER**

APPLICATION 25117 PERMIT 17538 LICENSE

**ORDER APPROVING A NEW DEVELOPMENT SCHEDULE,  
ADDING A CONSERVATION CONDITION,  
AND AMENDING THE PERMIT**

**WHEREAS:**

1. Permit 17538 was issued to Semitropic Water Storage District, on February 14, 1979, pursuant to Application 25117.
2. A petition for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board (Board).
3. Permittee, under the Board's Water Conservation Program, is considered an agricultural water supplier and is therefore required to develop, and implement an agricultural water management plan or actions. Therefore, Standard Permit Term 29B should be added to the permit.
4. The permittee has proceeded with diligence and good cause has been shown for said extension of time.
5. Permit Condition 11 pertaining to the continuing authority of the Board should be updated to conform to Section 780(a), Title 23 of the California Code of Regulations.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. Condition 8 of the permit be amended to read:

COMPLETE APPLICATION OF THE  
WATER TO THE PROPOSED USE  
SHALL BE MADE ON OR BEFORE

December 31, 1999

(0000009)

2. Condition 11 of the permit be amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting

diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

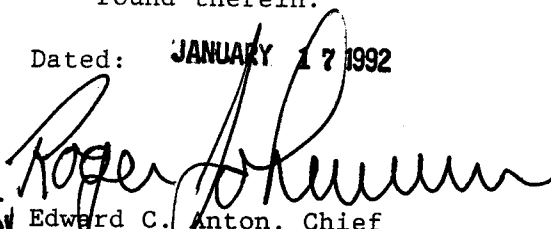
The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

3. Condition 19 be added to the permit to read:

Permittee shall consult with the Division of Water Rights and develop and implement a water conservation plan or actions. The proposed plan or actions shall be presented to the State Water Resources Control Board for approval within one year from the date of this order or such further time as, for good cause shown, may be allowed by the Board. A progress report on the development of a water conservation program may be required by the Board at any time within this period.

All cost-effective measures identified in the water conservation program shall be implemented in accordance with the schedule for implementation found therein. (000029B)

Dated: **JANUARY 17 1992**

  
101 Edward C. Anton, Chief  
Division of Water Rights

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 17538

Application 25117 of Semitropic Water Storage District,

P. O. Box Z, Wasco, California 93280

filed on July 27, 1976, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

Poso Creek

Tulare Lake Basin

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridan
A. W $\frac{1}{4}$ Corner of Section 9	SW $\frac{1}{4}$ of NW $\frac{1}{4}$	9	26S	24E	MD
B. E $\frac{1}{4}$ Corner of Section 12	SE $\frac{1}{4}$ of NE $\frac{1}{4}$	12	26S	23E	MD
C. W $\frac{1}{4}$ Corner of Section 10	SE $\frac{1}{4}$ of NE $\frac{1}{4}$	10	26S	23E	MD
D. E $\frac{1}{4}$ Corner of Section 8	SE $\frac{1}{4}$ of NE $\frac{1}{4}$	8	26S	23E	MD
E. S1000 ft from NE Corner of Section 1	NE $\frac{1}{4}$ of NE $\frac{1}{4}$	1	26S	22E	MD
F. SE Corner of Section 27	SE $\frac{1}{4}$ of SE $\frac{1}{4}$	27	25S	22E	MD

County of Kern

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridan	Acres
Irrigation	Irrigation of a net area of 15,000 acres within a gross area of 88,000 acres within the boundaries of the Pond-Poso Improvement District and also an unspecified net area within the boundaries of the Semitropic Water Storage District in T25-29S, R22-24E, MDB&M					
Recreational	Duck ponds in T25 and 26S, R22-24E, MDB&M					

The place of use is shown on map filed with the State Water Resources Control Board.

5. THE WATER APPROPRIATED SHALL BE LIMITED TO THE QUANTITY WHICH CAN BE BENEFICIALLY USED AND SHALL NOT EXCEED 320 CUBIC FEET PER SECOND BY DIRECT DIVERSION, 15,000 ACRE- FEET PER ANNUM BY OFF-STREAM SURFACE STORAGE FOR RECREATIONAL USE TO BE DIVERTED AT A MAXIMUM RATE OF 250 CUBIC FEET PER SECOND AND 25,000 ACRE- FEET PER ANNUM TO BE COLLECTED TO UNDERGROUND STORAGE FOR IRRIGATION AT A MAXIMUM RATE OF 250 CUBIC FEET PER SECOND. THE SEASON OF DIVERSION FOR BOTH DIRECT DIVERSION AND STORAGE SHALL BE FROM NOVEMBER 1 OF EACH YEAR TO MAY 31 OF THE SUCCEEDING YEAR. THE TOTAL AMOUNT OF WATER TO BE TAKEN FROM THE SOURCE SHALL NOT EXCEED 66,000 ACRE- FEET PER WATER YEAR OF OCTOBER 1 TO SEPTEMBER 30.

THIS PERMIT DOES NOT AUTHORIZE COLLECTION OF WATER TO STORAGE OUTSIDE OF THE SPECIFIED SEASON TO OFFSET EVAPORATION AND SEEPAGE LOSSES OR FOR ANY OTHER PURPOSE. (0000005)

6. THE AMOUNT AUTHORIZED FOR APPROPRIATION MAY BE REDUCED IN THE LICENSE IF INVESTIGATION WARRANTS. (0000006)

7. SAID CONSTRUCTION WORK SHALL BE COMPLETED ON OR BEFORE DECEMBER 1, 1982. (0000008)

8. COMPLETE APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE MADE ON OR BEFORE DECEMBER 1, 1989. (0000009)

9. PROGRESS REPORTS SHALL BE SUBMITTED PROMPTLY BY PERMITTEE WHEN REQUESTED BY THE STATE WATER RESOURCES CONTROL BOARD UNTIL LICENSE IS ISSUED. (0000010)

10. PERMITTEE SHALL ALLOW REPRESENTATIVES OF THE STATE WATER RESOURCES CONTROL BOARD AND OTHER PARTIES AS MAY BE AUTHORIZED FROM TIME TO TIME BY SAID BOARD, REASONABLE ACCESS TO PROJECT WORKS TO DETERMINE COMPLIANCE WITH THE TERMS OF THIS PERMIT. (0000011)

11. PURSUANT TO CALIFORNIA WATER CODE SECTIONS 100 AND 275, ALL RIGHTS AND PRIVILEGES UNDER THIS PERMIT AND UNDER ANY LICENSE ISSUED PURSUANT THERETO, INCLUDING METHOD OF DIVERSION, METHOD OF USE, AND QUANTITY OF WATER DIVERTED, ARE SUBJECT TO THE CONTINUING AUTHORITY OF THE STATE WATER RESOURCES CONTROL BOARD IN ACCORDANCE WITH LAW AND IN THE INTEREST OF THE PUBLIC WELFARE TO PREVENT WASTE, UNREASONABLE USE, UNREASONABLE METHOD OF USE, OR UNREASONABLE METHOD OF DIVERSION OF SAID WATER.

THE CONTINUING AUTHORITY OF THE BOARD MAY BE EXERCISED BY IMPOSING SPECIFIC REQUIREMENTS OVER AND ABOVE THOSE CONTAINED IN THIS PERMIT WITH A VIEW TO MINIMIZING WASTE OF WATER AND TO MEETING THE REASONABLE WATER REQUIREMENTS OF PERMITTEE WITHOUT UNREASONABLE DRAFT ON THE SOURCE. PERMITTEE MAY BE REQUIRED TO IMPLEMENT SUCH PROGRAMS AS (1) REUSING OR RECLAIMING THE WATER ALLOCATED; (2) USING WATER RECLAIMED BY ANOTHER ENTITY INSTEAD OF ALL OR PART OF THE WATER ALLOCATED; (3) RESTRICTING DIVERSIONS SO AS TO ELIMINATE AGRICULTURAL TAILWATER OR TO REDUCE RETURN FLOW; (4) SUPPRESSING EVAPORATION LOSSES FROM WATER SURFACES; (5) CONTROLLING PHREATOPHYTIC GROWTH; AND (6) INSTALLING, MAINTAINING, AND OPERATING EFFICIENT WATER MEASURING DEVICES TO ASSURE COMPLIANCE WITH THE QUANTITY LIMITATIONS OF THIS PERMIT AND TO DETERMINE ACCURATELY WATER USE AS AGAINST REASONABLE WATER REQUIREMENTS FOR THE AUTHORIZED PROJECT. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD DETERMINES, AFTER NOTICE TO AFFECTED PARTIES AND OPPORTUNITY FOR HEARING, THAT SUCH SPECIFIC REQUIREMENTS ARE PHYSICALLY AND FINANCIALLY FEASIBLE AND ARE APPROPRIATE TO THE PARTICULAR SITUATION. (0000012)

12. THE QUANTITY OF WATER DIVERTED UNDER THIS PERMIT AND UNDER ANY LICENSE ISSUED PURSUANT THERETO IS SUBJECT TO MODIFICATION BY THE STATE WATER RESOURCES CONTROL BOARD IF, AFTER NOTICE TO THE PERMITTEE AND AN OPPORTUNITY FOR HEARING, THE BOARD FINDS THAT SUCH MODIFICATION IS NECESSARY TO MEET WATER QUALITY OBJECTIVES IN WATER QUALITY CONTROL PLANS WHICH HAVE BEEN OR HEREAFTER MAY BE ESTABLISHED OR MODIFIED PURSUANT TO DIVISION 7 OF THE WATER CODE. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD FINDS THAT (1) ADEQUATE WASTE DISCHARGE REQUIREMENTS HAVE BEEN PRESCRIBED AND ARE IN EFFECT WITH RESPECT TO ALL WASTE DISCHARGES WHICH HAVE ANY SUBSTANTIAL EFFECT UPON WATER QUALITY IN THE AREA INVOLVED, AND (2) THE WATER QUALITY OBJECTIVES CANNOT BE ACHIEVED SOLELY THROUGH THE CONTROL OF WASTE DISCHARGES. (0000013)

13. THIS PERMIT SHALL NOT BE CONSTRUED AS CONFERRING UPON THE PERMITTEE RIGHT OF ACCESS TO THE POINTS OF DIVERSION. (0000022)
14. THIS PERMIT IS SUBJECT TO THE CONTINUING AUTHORITY OF THE STATE WATER RESOURCES CONTROL BOARD TO REDUCE THE AMOUNT OF WATER NAMED IN THE PERMIT UPON A FINDING BY THE BOARD THAT THE AMOUNT IS IN EXCESS OF THAT REASONABLY NEEDED TO BE HELD IN STORAGE FOR THE AUTHORIZED USES. NO ACTION WILL BE TAKEN BY THE BOARD WITHOUT PRIOR NOTICE TO THE OWNER AND AN OPPORTUNITY FOR HEARING. (0000042)
15. THE RESERVOIRS SHALL BE KEPT OPEN TO THE PUBLIC FOR RECREATIONAL USE, SUBJECT TO REASONABLE CHARGE FOR ANY SERVICES OR FACILITIES THAT ARE PROVIDED BY PERMITTEE. FAILURE TO ALLOW PUBLIC ACCESS MAY RESULT IN REVOCATION OF THE PERMIT OR REDUCTION IN THE AMOUNT OF WATER THAT MAY BE STORED. (0030045)
16. TO ASSURE PROTECTION OF PRIOR DOWNSTREAM RIGHTS, PERMITTEE SHALL ONLY DIVERT WATER THAT IS SURPLUS TO THE REQUIREMENTS OF SUCH RIGHTS. PERMITTEE SHALL INITIATE A MONITORING PROGRAM SUFFICIENT TO RECORD THE FLOWS IN POSO CREEK AND THE AMOUNTS OF WATER BEING DIVERTED UNDER THIS PERMIT AND SHALL SUBMIT SUCH PROGRAM TO THE DIVISION OF WATER RIGHTS FOR ITS APPROVAL BEFORE DIVERTING WATER UNDER THIS PERMIT. (0000999)
17. UNTIL FURTHER ORDER OF THE BOARD OR ISSUANCE OF LICENSE, THE STATE WATER RESOURCES CONTROL BOARD RESERVES JURISDICTION TO REQUIRE MODIFICATIONS IN THE METHOD OF OPERATION OF THE PROJECT NECESSARY TO ENSURE PROTECTION OF PRIOR RIGHTS. SUCH MODIFICATIONS SHALL BE REQUIRED ONLY AFTER NOTICE TO THE PERMITTEE AND OPPORTUNITY FOR HEARING. (0000999)
18. PERMITTEE SHALL INSTALL AND MAINTAIN DEVICES SATISFACTORY TO THE BOARD TO MEASURE THE QUANTITIES OF (A) WATER PLACED IN UNDERGROUND STORAGE, AND (B) WATER SUBSEQUENTLY RECOVERED FOR BENEFICIAL USE. (0000999)

**This permit is issued and permittee takes it subject to the following provisions of the Water Code:**

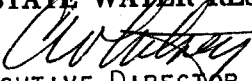
Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

FEBRUARY 14 1979

Dated:

STATE WATER RESOURCES CONTROL BOARD  
  
EXECUTIVE DIRECTOR WATER RIGHTS & ADMINISTRATION  
Chief, Division of Water Rights